THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.26018 of 1996

ORAL ORDER:

This writ petition is filed questioning the order passed in I.T. I.D.NO.6 of 1992 dated 14.12.1995 on the file of the Industrial Tribunal-cum-Labour Court, Visakhapatnam.

The petitioner is the management and second respondent is the General Secretary of Visakhapatnam Port Shramika Panchayat. The following issue has been referred to the Tribunal for adjudication.

> "Whether the action of the management of Visakhapatnam Port Trust is justified in fixing the retirement age of charge hands at 58 years in the Mechanical Engineering Department ? If not, to what relief they are entitled ?

The contention of the second respondent was that the Charge Hands working in Civil Engineering Department have been allowed to retire at the age of 60 years, whereas, for the Charge Hands working in Mechanical Department the age of superannuation is 58 years. According to the second respondent, the pay scales, nature of work attached to the post of Charge Hands in Civil Engineering and Mechanical Departments are one and the same.

The petitioner management filed a detailed counter denying the averments made by the second respondent. Before the Labour Court, W.W.1 to W.W.4 were examined on behalf of second respondent and documents Exs.W1 and W2 were marked on its behalf. On behalf of petitioner-management, M.W.1 was examined and documents Exs.M1 and M2 were marked. After a detailed consideration of both oral and documentary evidence, the Labour Court came to the conclusion that the nature of work attended to by the employees of second

respondent- Panchayat and the employees working in the Civil Engineering Department is one and the same. Apart from that, the Labour Court also examined Visakhapatnam Port Employees (Age of Retirement) Regulations, 1974 and held that the management is not justified in retiring the Charge Hands working in the Mechanical Engineering Department at 58 years and they are entitled to retire at the age of 60 years on par with the charge hands working in Civil Engineering Department. Aggrieved by the same, the present writ petition is filed.

Absolutely, no ground is made out to interfere with the impugned order passed by the Labour Court. The writ petition is devoid of merits and liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

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C.V.RAMULU,

J

Date: 16.3.2007

DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.26018 of 1996

16.3.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.26018 of 1996

Date: 16th March, 2007

Between:

The Visakhapatnam Port Trust,
represented by its Chairman,
Visakhapatnam.

.. Petitioner

And

The Chairman and Presiding Officer,
Industrial Tribunal-cum-Labour Court,
Visakhapatnam & another.

.. Respondents